

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 40-60 replace claims 20-39, are similar in scope to the cancelled claims and address the issues on pages 2-3 of the office action. No new matter has been added. Entry and allowance are requested.

The specification is adequate and enabling and claims 40-60 are patentable under 35 U.S.C. 112, first paragraph.

Applicant has reviewed the specification at length including the instances pointed out by the Examiner on page 2 of the office action. While the Examiner's specific examples relate to non-grammatical sentences, there is no basis for holding the specification to be inadequate or non-enabling for the claimed elements of claims 40-60.

The specification clearly teaches one of ordinary skill in the art how to make and use the invention. The specification provides an adequate written description of the invention which is enabling.

The specification defines the invention as a bolt having a head that fastens the scaffolding such that the head bolt cannot be moved to loosen its position as is common in conventional devices described in the references of record. The inventive contact surfaces of the bolt prevents a twisting motion when there is tightening of the coupling fasteners.

"The function of the description requirement [of the first

paragraph of 35 U.S.C. § 112] is to ensure that the inventor had possession, as of the filing date of the application relied on, of the specific subject matter later claimed by him.," In re Wertheim, 541 F.2d 257, 262, 191 USPQ 90, 96 (CCPA 1976). "It is not necessary that the application describe the claim limitations exactly. . . . but only so clearly that persons of ordinary skill in the art will recognize from the disclosure that appellants invented processes including those limitations." In re Wertheim, 541 F.2d 257, 262, 191 USPQ 90, 96 (CCPA 1976) citing In re Smythe, 480 F.2d 1376, 1382, 178 USPQ 279, 284 (CCPA 1973). Furthermore, the Federal Circuit points out that "[i]t is not necessary that the claimed subject matter be described identically, but the disclosure originally filed must convey to those skilled in the art that applicant had invented the subject matter later claimed." In re Wilder, 736 F.2d 1516, 1520, 222 USPQ 369, 372 (Fed. Cir. 1984), cert. denied, 469 U.S. 1209 (1985), citing In re Kaslow, 707 F.2d 1366, 1375, 217 USPQ 1089, 1096 (Fed. Cir. 1983).

Withdrawal of the rejection is respectfully requested.

Newly added claims 40-60 are definite and patentable under 35 U.S.C. 112, second paragraph.

The newly submitted claims use pre-existing terminology for the elements defining the invention, particularly point out the subject matter of the invention and clearly define the metes and bounds of the claimed invention.

Applicant respectfully requests the Examiner to withdraw the rejection of the claims.

Claims 20-39 are patentable over Marshall, Miller and Lowe.

As previously pointed out, Claim 20 describes a scaffold coupling apparatus for tubular scaffold elements comprising a first scaffold, a bolt, first and second braces attachable around the scaffold and pivotable around the bolt, a fastener for tightening the first and second braces, a fork-shaped free end-piece on the first brace, the first and second braces being connected by the fastener, the fastener comprising a shaft having T-shaped head and bell-shaped projection on the second brace for limiting a pivotal motion of the T-shaped head and threads for fitting in the fork-shaped, free end-piece of the first brace, the T-shaped head fastening the bell-shaped projecting part, and contact surfaces for allowing a pivotal motion, for preventing jamming inside the projecting parts and for preventing turning during tightening of the bracing elements. Dependent claims 41-60 add further unique features to claim 40. Nothing in each of Burton, Marshall, Miller or Lowe, describes, teaches or suggests each and every claimed element.

Burton does not have each and every feature of the present claims. Burton has surfaces that are parallel and not bell-shaped, which has nothing to do with the claimed invention.

Swiss patent does not have the claimed shaped fastener and projection. The hammer head has no wedge shape.

The US patents does not have any contact surfaces on the hammer head because the claimed shaped fastener and bell-shaped projection are absent from those references.

The invention uniquely provides a fastener which automatically pulls into the projection when tightened preventing a twisting motion and thereby remaining in a fixed position which resolves the long-standing problems faced with devices including those described in the references cited by the Examiner.

If examination at the initial stage does not produce a prima facie case of unpatentability, then without more the applicant is entitled to grant of the patent. In re Oetiker, 25 USPQ2d 1443, 1447 (Fed. Cir. 1992) citing In re Grabiak, 226 USPQ 870, 873 (Fed. Cir. 1985).

In fact, the office action does not provide any basis for the rejection of each of the features in every dependent claim and therefore Applicant is unable to determine the Examiner's basis for the rejection of each of the claims to adequately rebut the rejections. It would be mere speculation on Applicant's part to spell out the Examiner's rejections by providing rebuttal to non-existent rejections. Therefore, as dictated by Oetiker "without more applicant is entitled to grant of the patent."

Nothing in the references, either singly or in combination, teaches or suggests the claimed features. Therefore, the references cannot anticipate nor render obvious the present invention as claimed.

Since Applicant has presented a novel, unique and non-

obvious invention, reconsideration and allowance are respectfully requested.

Applicant respectfully requests an Interview with the Examiner to resolve any issues that may remain.

Respectfully,



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